

### REMARKS

#### Claim Amendments

Claims 1-54 are currently pending. Claims 21 and 46 have been amended and new claims 55-59 have been added for consideration. Accordingly, upon entry of the amendment presented herein, claims 1-59 will remain pending.

Claims 21 and 46 have been amended to address the Examiner's objection that a multiple dependent claim cannot depend from another multiple dependent claim. These claim amendments obviate the Examiner's objection, and as such, withdrawal of the objection is respectfully requested.

New claims 55-59 have been added, the subject matter of which falls within the classification of the claims of elected Group I. Support for the new claims can be found throughout the specification, but in particular in paragraph [0194] on page 65; paragraph [0208] on page 68; and in paragraphs [0123]-[0124] on pages 38-39.

No new matter has been added by way of the foregoing amendment, which has been made solely to expedite prosecution and in no way should be viewed as acquiescence to any rejection. Applicants reserve the right to pursue the claims as originally filed in this or subsequent applications.

#### Restriction Requirement

In the Requirement for Restriction, the Examiner requested election of one of the following groups:

- |            |  |
|------------|--|
| Group I.   | Claims 1-20, 22-28 are drawn to methods of antigen presentation, classified in Class 435, subclass 2.      |
| Group II.  | Claims 29, 30, 47-50 are drawn to vaccine compositions, classified in Class 424, subclass 178.1.           |
| Group III. | Claims 31, 32, 47-50 are drawn to polynucleotide compositions, classified in Class 514, subclass 44.       |
| Group IV.  | Claims 33, 50, 51 are drawn to methods of treatment using peptides, classified in Class 514, subclass 885. |

- Group V. Claims 33-35, 50, 51 are drawn to methods of treatment using polynucleotides, classified in Class 514, subclass 43.
- Group VI. Claims 36, 37 are drawn to a virus like particle, classified in Class 435, subclass 235.1.
- Group VII. Claims 38, 39 are drawn to methods of treatment using virus like particles, classified in Class 424, subclass 204.1.
- Group VIII. Claims 40-45, 47-49 are drawn to multinucleic acid compositions, classified in Class 536, subclass 23.5.
- Group IX. Claims 40, 50, 51 are drawn to methods of treatment using multinucleic acid compositions, classified in Class 514, subclass 42.
- Group X. Claims 52-54 are drawn to recombinant antibodies, classified in Class 530, subclass 387.3.

Applicants hereby elect Group I, claims 1-20 and 22-28, drawn to methods of antigen presentation, with traverse. Moreover, as noted above, claim 21 has been amended such that the claim no longer depends from other multiple dependent claims, thereby obviating the Examiner's objection. Applicants further assert that amended claim 21 falls within the scope of elected Group I.

Applicants respectfully request reconsideration of the Restriction Requirement to the extent that Groups II and IV be rejoined and searched with Group I for at least the following reasons.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "independent" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification

2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

Applicants respectfully submit that the groups designated by the Examiner fail to define methods and compositions, with properties so distinct as to warrant separate Examination and Search. Claims 1-20, 22-28, and currently amended claim 21, of elected Group I are drawn to methods of antigen presentation. Applicants assert that a search for subject matter pertaining to the method claims that fall within this elected Group I would result in identification of compositions comprising the same elements utilized in the method claims, and as such, Applicants assert that all of these claims are fundamentally related. Applicants respectfully assert that the search for the methods of promoting antigen presentation separately classified by the Examiner as the invention of Group I would require an additional search of related subject matter of Group II (claims 29, 30, 47-50) drawn to vaccine compositions, and Group IV (claims 33, 50 and 51) drawn to methods of treatment using peptides, thus resulting in a duplicate search for related material. Accordingly, Applicants submit that the Search and Examination of Groups II and IV with elected Group I can be made without serious burden, and therefore respectfully request that the Examiner examine the claims of Groups II and IV with elected Group I.

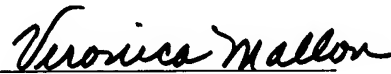
In summary, Applicants respectfully submit that conjoint examination of Groups I, II and IV in the present Application would not present an undue burden on the Examiner, and accordingly, request withdrawal of the Requirement for Restriction to the extent that these groups be rejoined.

In view of the above, withdrawal of the Requirement for Restriction is requested, and an early action on the merits of the claims is courteously solicited.

*Fees*

A check in the amount of \$120.00 is enclosed to cover the Petition for a One Month Extension of Time as a large entity. No other fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or to credit any overpayments.

Respectfully submitted,



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